

House File 766

H-1329

1 Amend House File 766 as follows:

2 1. Page 1, after line 18 by inserting:

3 <Sec. \_\_\_\_\_. Section 123.46A, subsection 3, Code 2021, is  
4 amended to read as follows:

5 3. A violation of this section or any other provision  
6 of this chapter shall subject the licensee or permittee to  
7 the penalty provisions of section 123.39. If the licensee  
8 or permittee, an employee of the licensee or permittee, or a  
9 person delivering alcoholic liquor, wine, or beer for a third  
10 party acting on behalf of the licensee or permittee pursuant  
11 to a written agreement violates this section, the licensee or  
12 permittee shall not be assessed a penalty under section 123.39  
13 if the licensee or permittee establishes all of the following:

14 a. The violation was committed off of the licensee's  
15 or permittee's premises after the liquor, wine, or beer  
16 was removed from the licensee's or permittee's premises in  
17 fulfillment of a delivery order.

18 b. (1) If the person who committed the violation is an  
19 employee of the licensee or permittee, that no other violation  
20 of this section was committed by any employee of the licensee  
21 or permittee within the two-year period immediately preceding  
22 the date of violation.

23 (2) If the person who committed the violation is a person  
24 delivering for a third party acting on behalf of the licensee  
25 or permittee, that no other violation of this section was  
26 committed by any person delivering for the same third party  
27 while the third party was acting on behalf of the licensee or  
28 permittee within the two-year period immediately preceding the  
29 date of violation.>

30 2. By renumbering as necessary.

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SEXTON of Calhoun